

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1079/90 & 1079A/90 **199**
T.A. No.

DATE OF DECISION 24.7.91

Central Secretariat Service Section Petitioner Applicants
 Officers Association & others
 Senior Personal Assistant Association Advocate for the Petitioner(s) Applicants
 Shri B.B.Raval,
 Versus
 Union of India & ors. Respondents
 Shri K.S.Dhingra, Sr. Administrative Advocate for the Respondent(s)
 Officer

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The Hon'ble Mr. P.K.KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. B.N.DHOUNDIYAL, MEMBER(A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal? / No

JUDGEMENT

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE
 MR. B.N.DHOUNDIYAL, MEMBER)

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 by the Central Secretariat Service Section Officers' Association, challenging the classification of Group 'B' gazetted officers for the purpose of issue of identity cards under the impugned order dated 20.2.1990, issued by the Chief Security Officer, Ministry of Defence. The reliefs sought by them are the following:-

- (i) to quash the impugned Memoranda dated 20th February, 1990 and 14th May, 1990 as arbitrary, illegal and therefore violative of the Fundamental Right of the members of the applicant-association;
- (ii) to direct the Respondents to have a proper reclassification of all the Gazetted Officers including the Desk Officers and Section Officers befitting to their status and responsibility in the Ministry so as

not to give any cause for heart burning or discrimination and disillusionment ; and

(iii) to award cost for this application and also pass any other order/orders as deemed fit and just in the light of the facts and circumstances of the case.

2. MP No.434/91 was filed by the Senior Personal Assistants'

Association of the Ministry of Defence, CSSS Cadre seeking to be impleaded as applicants. On 6.2.91, the Tribunal allowed the said Misc. Petition and directed that it be numbered as a fresh application (OA 1079A of 1990). As the issue raised in both applications are the same, it is proposed to dispose of the same by a common judgement.

3. The applicants are governed by the CCS(CC&A) Rules, 1965 which classify all civilian employees of the Government of India into four different categories as follows:-

" (a) Group 'A' Officers- Gazetted.

(b) Group 'B' Officers- Gazetted & Non-Gazetted

(c) Group 'C' Officers - Non-Gazetted

(d) Group 'D' Officers - Non-Gazetted."

In the Civilian Ministries, colour of identity cards from Group 'B' right upto the level of Secretary is pink and the seniority of the officer is indicated by the number of crosses (XX). The Ministry of Defence had adopted a colour pattern with three different colours of identity cards as follows:-

" (a) WHITE - for Joint Secretaries and above.

(b) YELLOW - for the officers of the rank of Section Officers/Desk Officers and up to the rank of Deputy Secretaries/ Directors.

(c) BLUE - for all Non-Gazetted Officers."

4. A new series of Securitised Laminated Identity Cards (SLIC) was issued in February, 1990 in which all Group 'B'

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officers a~~re~~ and Group 'C' and Group 'D' non-gazetted employees, are all clubbed together and are issued with red coloured identity cards. It is contended by the applicants that the proposed categorisation will not only demoralise and demotivate the officers of this grade (Group 'B' Gazetted) but will also have the effect of distorting the established equation between gazetted and non-gazetted personnel; thus the new coloured scheme, SLIC, takes away the gazetted status of the members of the applicant Association and degrades them by devaluating their position and bringing them on same footing as that of Class-III and IV employees working under them. In support of their contention the applicants have referred to Army Instructions No.15-18 dated 1.6.1990 which give the following classifications for the civilian as well as the combatant officers:

* 15-Status in Field Area- Civilians

Civilian personnel paid from Defence Services Estimates when serving in operational area, where they are authorised field service concessions like free rations, free accommodation, free clothing etc. as for combatant personnel will be equated with combatant personnel as follows:-

Civilian Category	Corresponding combatant category
1. All civilian gazetted officers	Commissioned officers
2. All other personnel not being gazetted officers whose current monthly basic pay(excluding all allowances) is more than Rs.2900.	-do-
3. All non-gazetted personnel whose current monthly basic pay(excluding all allowances) is not more than Rs.2900 and not less than Rs.1400	Junior-Commissioned Officers
4. All personnel whose current monthly basic pay(excluding all allowances) is not more than Rs.1400 but not less than Rs.950.	Non-Commissioned Officers
5. All others	Other ranks.

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The applicants have also referred to the Ministry of Defence Order No.F.No.9(17/86)/D(n-I) dated 31.7.1987 which equates Under Secretaries and Desk Officers in respect of powers for sanction of additional expenditure.

5. The respondents have contended in their counter-affidavit that the present application neither relates to recruitment nor to conditions of service of the members of the applicant Association and does not fall within the jurisdiction of the Tribunal. It is further contended that Group 'B' officers in other Ministries are not issued identity cards with crosses even though the colour is the same as in case of Group 'A' officers. The status of the members of the applicant Association is not being lowered by the issue of new SLIC identity cards which are required basically for the purpose of establishing the identity of the employee with a view to facilitate his entry to work place and is not meant to confer a particular status on him. The scheme has been evolved in the interest of overall security and the matter cannot be subjected to litigation in the court of law.

6. We have carefully gone through the records of the case and have considered the rival contentions. At the outset, we may state that the rank and status of a Government servant pertain to "service matters", in the broader sense of the term. We, therefore see no substance in the preliminary objection raised by the respondents in this regard.

7. On the merits, it appears that this is the first occasion in which the issues raised by the applicants have come up for consideration by a Judicial forum. In any system of administration, there is hierarchy and levels of authority and responsibility without which the system cannot function. This provides the justification for issue of identity cards to the various categories of officers. Whether or not, the identity cards should be issued

[Signature]

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on a uniform basis to all Government servants working in the various Minister^{ies} or Departments, is a matter to be decided by the Government at the appropriate level. It is not clear from the papers whether the revised system of issue of identity cards to the personnel belonging to the Ministry of Defence was evolved after taking into account the points raised by the Association of the employees concerned. What the present application discloses is that there is a feeling of discontentment among the employees concerned in regard to the revised system of issue of identity cards to various categories of employees.

8. In our considered opinion, the applicants are not entitled to the reliefs sought by them as no Fundamental Right of theirs has been infringed nor any statutory rule or instruction violated. In case the new system has been adopted on grounds of security, the same cannot be faulted. In view of the apprehensions raised by the applicant Associations, we, however, feel that the Government should consider the matter further and take an appropriate decision. Accordingly, the case is remitted to the respondents with the direction that the points raised by the applicant Association be referred to a Committee of Secretaries for consideration and thereafter, the Government should take appropriate decision. This direction should be complied with within a period of three months from the date of receipt of this order.

There will be no order to costs. Let a copy of this order be sent to the Secretary(Personnel) and the Cabinet Secretary for their information.

B.N.DHOUNDIYAL
(B.N.DHOUNDIYAL) 24/7/71
MEMBER(A)

24/7/71
(P.K.KARTHIK)
VICE CHAIRMAN(C)